

IN THE SENATE OF THE UNITED STATES.

JANUARY 9, 1891.—Ordered to be printed.

Mr. DAVIS, from the Committee on Military Affairs, submitted the following

R E P O R T :

[To accompany S. 3102.]

The Committee on Military Affairs, to whom was referred the bill (S. 3102) for the relief of John W. Eckles, report :

This bill is a reappearance of S. 1378, Forty-sixth Congress, third session. The measure then received careful examination by this committee and its indefinite postponement was recommended by Report No. 867, hereto annexed.

Your committee has, nevertheless, carefully re-examined the matter and has considered the argument submitted on behalf of Mr. Eckles. No reason is perceived for dissenting from the conclusion of the committee of the Forty-sixth Congress.

It is recommended that the bill be indefinitely postponed.

[Senate Report No. 867, Forty-sixth Congress, third session.]

The Committee on Military Affairs, to whom was referred the bill (S. 1378) for the relief of John W. Eckles, having duly considered the same, beg leave to submit the following report :

The bill proposes to authorize the President of the United States to nominate and, by and with the advice and consent of the Senate, appoint John W. Eckles, late captain Fifteenth United States Infantry, a captain in the Army of the United States, with his former rank and date of commission; and that he shall be assigned to the first vacancy of his grade occurring in the United States Infantry; and provides further that he shall receive no further pay or allowances for the time he was out of service, so that he shall only receive pay from the date of appointment under this act.

Captain Eckles was tried before a general court-martial which convened at Santa Fé, N. Mex., June 1, 1877, on the following charges and specifications:

“ Captain John W. Eckles, 15th Infantry.

“ CHARGE I.—‘ Conduct unbecoming an officer and a gentleman, in violation of the 61st Article of War.’

“ *Specification 1st.*—‘ In this: That he, Captain John W. Eckles, 15th U. S. Infantry, a commissioned officer in the military service of the United States, temporarily in command of the post of Fort Wingate, New Mexico, did go to the quarters of 1st Lieutenant W. T. Hartz, 15th U. S. Infantry, about five (5) o'clock in the afternoon, or evening, of February 27th, 1877, and did commence a conversation with said 1st Lieutenant W. T. Hartz, 15th U. S. Infantry, in relation to a change in the post trader at Fort Wingate, New Mexico, and endeavored, by lengthy argument, to influence him, the said 1st Lieutenant W. T. Hartz, 15th U. S. Infantry—he, the said 1st Lieutenant W. T. Hartz, having been detailed as a member of the post council of administration—to cast his vote at the meeting of the post council of administration, on the following day, for Mr. J. L. Johnson, who was an applicant for the position, stating to him, 1st Lieutenant W. T. Hartz, 15th U. S. Infantry, in words to the effect, “that if a thousand dollars was an object to him he would receive the amount by voting for Mr. Johnson, and that a check for that purpose had been sent to Mr. Irvine, and that they might just as well get the money as some one else, and, of

course, he expected to get his share out of it.' This at Fort Wingate, New Mexico, on or about the date above specified.'

"Specification 2d—'In this: That he, Captain John W. Eckles, 15th U. S. Infantry, a commissioned officer in the military service of the United States, temporarily in command of the post of Fort Wingate, New Mexico, did make to 2d Lieutenant C. W. Merritt, 9th U. S. Cavalry—the said 2d Lieutenant C. W. Merritt, 9th U. S. Cavalry, having been detailed as a member of the post council of administration ordered to meet the 28th day of February, 1877—proposals, in the following words, or words to the same effect, viz: "You are a member of the post council that meets to-morrow, and if you want to make a little money you can do it. Johnson has put in an application for the tradership, and I know he will give a thousand dollars for a vote, and it only takes two votes to settle the matter. There is a letter in the post, which I saw, and I know it had a check in it for twenty-three hundred dollars, and as soon as you cast your vote for Johnson, and the thing is settled, you will get your thousand dollars. I would be willing to stake my commission on it, or give a paper with my name to it, that you will get your thousand dollars if you vote for Johnson. Of course I am to have my share of it. I am hard up now, and if I could get the money it would be a big thing for me. If you do vote for Johnson no one will ever find it out, and you had better settle the matter, for, if you do not, the next council will, and get the money. Now is your chance. If you do not do it, some one will, and you will be that much out." This at Fort Wingate, N. Mex., on or about the evening of February 27, 1877, and the afternoon of February 28, 1877.'

"CHARGE II.—'Conduct to the prejudice of good order and military discipline in violation of the 62d Article of War.'

"Specification 1st—'In this: That he, Captain John W. Eckles, Fifteenth United States Infantry, a commissioned officer in the military service of the United States, temporarily in command of the post of Fort Wingate, N. Mex., did go to the quarters of First Lieut. W. T. Hartz, Fifteenth United States Infantry, about five o'clock in the afternoon or evening of February 27, 1877, and did commence a conversation with said First Lieut. W. T. Hartz, Fifteenth United States Infantry, in relation to a change in the post trader at Fort Wingate, N. Mex., and endeavored, by lengthy argument, to influence him, the said First Lieut. W. T. Hartz, Fifteenth United States Infantry—he, the said First Lieut. W. T. Hartz, Fifteenth United States Infantry, having been detailed as a member of the post council of administration—to cast his vote at the meeting of the post council of administration, on the following day, for Mr. J. L. Johnson, who was an applicant for the position, stating to him, First Lieut. W. T. Hartz, Fifteenth United States Infantry, in words to the effect "that if a thousand dollars was an object to him, he would receive the amount by voting for Mr. Johnson, and that a check for that purpose was sent to Mr. Irvine, and that they might just as well get the money as some one else, and, of course, he expected to get his share out of it." This at Fort Wingate, N. Mex., on or about the date above specified.'

"Specification 2d—'In this: That he, Capt. John W. Eckles, Fifteenth United States Infantry, a commissioned officer in the military service of the United States, temporarily in command of the post of Fort Wingate, N. Mex., did make to Second Lieut. C. W. Merritt, Ninth United States Cavalry—the said Second Lieut. C. W. Merritt, Ninth United States Cavalry, having been detailed as a member of the post council of administration ordered to meet the 28th day of February, 1877—proposals, in the following words or words to the same effect, viz: "You are a member of the post council that meets to-morrow, and if you want to make a little money you can do it. Johnson has put in an application for the tradership, and I know he will give a thousand dollars for a vote, and it only takes two votes to settle the matter. There is a letter in the post, which I saw, and I know it had a check in it for twenty-three hundred dollars, and as soon as you cast your vote for Johnson and the thing is settled you will get your thousand dollars. I would be willing to stake my commission on it, or give a paper with my name to it, that you will get your thousand dollars if you vote for Johnson. Of course I am to have my share out of it. I am hard up now, and if I could get the money it would be a big thing for me. If you do vote for Johnson, no one will ever find it out, and you had better settle the matter, for, if you do not, the next council will, and get the money. Now is your chance. If you do not do it some one will, and you will be that much out." This at Fort Wingate, N. Mex., on or about the evening of February 27, 1877, and the afternoon of February 28, 1877.'

To these charges and specifications, Captain Eckles pleaded "not guilty."

The court examined many witnesses, both for and against him, and the following is its finding:

FINDING.

The court, having maturely considered the evidence adduced, finds the accused, Capt. John W. Eckles, Fifteenth Infantry, as follows:

CHARGE I.

Of the 1st specification, "Guilty, excepting the word 'lengthy,' and of the excepted word "Not guilty."

Of the 2d specification, "Guilty."

Of the charge, "Guilty."

— CHARGE II.

Of the 1st specification, "Guilty, excepting the word 'lengthy,' and of the excepted word "Not guilty."

Of the 2d specification, "Guilty."

Of the charge, "Guilty."

SENTENCE.

And the court does therefore sentence him, Captain *John W. Eckles*, 15th Infantry, "to be dismissed the service of the United States."

The testimony and papers in the case having been forwarded to the Judge-Advocate-General, he made the following report to the Secretary of War:

WAR DEPARTMENT,
BUREAU OF MILITARY JUSTICE,
July 5, 1877.

Hon. GEO. W. McCrary,
Secretary of War:

SIR: I have the honor to submit, with the record of his trial, the following report in the case of *Captain John W. Eckles*, 15th Infantry, tried in the past month at Santa Fé, by a general court-martial convened by S. O. 82, Dept. of the Missouri, 1877, and sentenced "to be dismissed the service of the United States."

This officer was arraigned upon the following charges:

CHARGE I. Conduct unbecoming an officer and a gentleman, in violation of the 61st Article of War.

Specification 1st.—In this, that he, Captain John W. Eckles, 15th U. S. Inftry., a commissioned officer in the military service of the United States, temporarily in command of the post of Fort Wingate, New Mexico, did go to the quarters of First Lieutenant W. T. Hartz, 15th U. S. Infantry, about five (5) o'clock in the afternoon or evening of February 27th, 1877, and did commence a conversation with said First Lieutenant W. T. Hartz, 15th U. S. Infantry, in relation to a change in the post trader at Fort Wingate, New Mexico, and endeavored by lengthy argument to influence him, the said First Lieutenant W. T. Hartz, 15th U. S. Infantry—he, the said First Lieutenant W. T. Hartz, having been detailed as a member of the post council of administration—to cast his vote at the meeting of the post council of administration on the following day for Mr. J. L. Johnson, who was an applicant for the position, stating to him, First Lieutenant W. T. Hartz, 15th U. S. Infantry, in words to the effect, "that if a thousand dollars was an object to him he would receive the amount by voting for Mr. Johnson, and that a check for that purpose had been sent to Mr. Irvine, and that they might just as well get the money as some one else, and, of course, he expected to get his share out of it."

This at Fort Wingate, New Mexico, on or about the date above specified.

Specification 2d.—In this, that he, Captain John W. Eckles, 15th U. S. Infantry, a commissioned officer in the military service of the United States, temporarily in command of the post at Fort Wingate, New Mexico, did make to Second Lieutenant C. W. Merritt, 9th U. S. Cavalry—the said Second Lieutenant C. W. Merritt, 9th U. S. Cavalry, having been detailed as a member of the post council of administration ordered to meet the 28th day of February, 1877—proposals in the following words, of words to the same effect, viz: "You are a member of the post council that meets to-morrow, and if you want to make a little money you can do it. Johnson has put in an application for the tradership, and I know he will give a thousand dollars for a vote, and it only takes two votes to settle the matter. There is a letter in the post which I saw, and I know it had a check in it for twenty-three hundred dollars, and as soon as you cast your vote for Johnson, and the thing is settled, you will get your thousand dollars. I would be willing to stake my commission on it or give a paper with my name to it, that you will get your thousand dollars if you will vote for Johnson. Of course I am to have my share out of it; I am hard up now, and if I could get the money it would be a big thing for me. If you do vote for Johnson no one will ever find it out, and you had better settle the matter, for if you do not, the next council will, and get the money; now is your chance; if you do not do it some one will, and you will be that much out."

This at Fort Wingate, New Mexico, on or about the evening of February 27th, and the afternoon of February 28th, 1877.

CHARGE II. Conduct to the prejudice of good order and military discipline.

(With two specifications precisely identical with those under Charge I.)

The accused, who was assisted by one civil and one military counsel, pleaded "not guilty" to both charges and their specifications.

The material testimony then introduced was as follows:

Lieut. Hartz, the officer named in the first specification (and who was the senior member of the post council referred to therein, which consisted of himself and Lieuts. Stafford and Merritt), testifies that at about 5 o'clock p. m. on February 27, Capt. Eckles came to my quarters and commenced a conversation relative to a change in the post tradership, entering into rather a lengthy conversation and argument, endeavoring to influence me to cast my vote at the council of administration, which was to meet on the following day, in favor of Mr. Johnson, an applicant for the position of post trader. Captain Eckles stated to me as an inducement that if a thousand dollars was an object to me I would receive that amount by voting for Mr. Johnson. A check for that amount had been sent to Mr. Irvine. Capt. Eckles further stated that of course he expected to get his share out of it. That was the general purport of the conversation; the whole I am unable to repeat."

He adds that the conversation lasted "probably fifteen or twenty minutes," and that it conveyed the impression to him that Captain Eckles "had the authority and had grounds for making the proposition." He also mentions that Mr. Johnson had been for some time an applicant for the tradership, but does not explain, nor is it elsewhere explained, who "*Irvine*" was.

The witness also admits that he is the senior first lieutenant in the regiment, and would gain additional rank if Eckles were dismissed. He also states that his relations had been socially friendly with Eckles; that he reported the conversation to Lt. Col. Swaine, comdg. the regiment; and that he preferred the charge (relating to the transaction with himself) by Col. Swaine's order; that he would not have done so except for this order, on account of his "strong sympathy for the family" of Eckles.

The next witness, *Lieut. Merritt*, the officer named in the second specification, testifies that on the evening of February 27th, Capt. Eckles came into his quarters, and passing into his bedroom said, "There lies Mitchell asleep, but he won't hear any of the conversation," and that he (Eckles) then made the following proposition to witness: "Johnson has an application in for the post tradership, and if you want to make a little money, you can do it. There's a letter in the garrison containing a check for twenty-three hundred dollars, more or less, which I have seen. I won't be positive about Mr. Irvine having the check, but when he showed me the letter he tore the check out; it only requires one vote to settle the matter, and if you cast your vote for Johnson, you will get a thousand dollars." The witness adds that accused further said: "I would be willing to stake my commission on it, or sign my name to a paper"—meaning, as I inferred, that I would get that thousand dollars. I then said to the accused: "Lieutenant Stafford is on the council of administration; what does he get?" The accused said: "He gets liquors, cigars, and oysters from Johnson, and he's all right."

The witness continues that accused also said that he was hard up at that time, and that if he could get a little money it would be a good thing for him. * * "My understanding," adds the witness, "was that Major Eckles wanted to buy a vote in the post council, and was representing the interests of Mr. Johnson."

This witness, to the question: "Did you attempt to stop the conversation when you became aware of its purport?" answers, "No, sir."

When asked, "What are your social relations with the accused; do you consider him a friend of yours?" he replies, "I am not on good terms with the accused, and do not consider him a friend of mine."

The third witness, Hospital Steward Isaac H. Wilson, testifies to the effect that about March 1st, and while the council was in session, the accused induced him to get up a petition among the enlisted men for the removal of the existing post trader, Reed; saying that his (accused's) name "need not be mentioned" in connection with the matter. Witness states that he circulated a petition to the effect suggested; got about eighty names on it, and sent it to accused, then post commander.

It appears, however, that this petition was similar to one which had been got up two or three months before, not at the instigation of the accused. The following question and answer, which conclude the examination of this witness, are also to be noted:

"Question by accused. Did you or not say to the accused on the occasion of the conversation, that the enlisted men of the garrison were charged such exorbitant prices for the necessaries of life by the trader that they could not deal with him; and was not my reply that a complaint properly made and properly forwarded would receive the attention of the council?"

"Answer. Yes, sir."

The prosecution here rested.

On the part of the defence, Capt. Jewett, 15th Infantry, testifies that, at the time of a prior meeting of the post council of administration of Dec. 31st, 1876, an effort was made at the post to have Reed removed from the tradership; that he (witness) favored it, but that accused was "very much opposed to a change"; that at the meeting of this council accused voted for the retention of Reed, and that if he had voted for Johnson the latter would have secured the office. This witness thinks accused remained favorable to Reed up to about the time of the meeting of the council of February 28, 1877, and is also of opinion that this council would have voted for Johnson had not accused had the conversation with other members of the council already testified to.

(Lieut. Hartz also gives expression to a similar view.)

1st Lieut. S. R. Stafford, 15th Infantry, states that he was a member of the council of Feb. 28th; that just before "the meeting of the council he had some conversation with accused in regard to the tradership, in which witness expressed a desire for a change in the office, stating to accused that he should vote for Johnson, whom it was well known at the post that he had long favored; that Lieuts. Hartz and Merritt were also desirous of a change; that the latter had expressed to him (witness) a wish for Johnson; and that he (witness) thought there was no doubt a new trader would be elected.

Witness then continues as follows: "He (accused) told me that he was informed there was a check in the post for twenty-five hundred dollars; that money was here for the purpose of securing the appointment of post trader. I asked the accused if the other members of the council were aware of that fact. He replied, not that he was aware of. I then advised him to see the other two members of the council and lay all the facts he had in his possession before them, in order that they might be on their guard, stating to him at the time that I had already heard of two or three offers having been made of a similar character for the position, thinking at the time that it would be better for the members of the council to know all these facts and rumors that had been in circulation about the post."

The witness further adds that accused had previously been continually in favor of Reed as trader; and that he had favored him and opposed Johnson, as a member of two prior councils; one, composed of Captains Bennett, Engle, and accused, and the other being that in regard to which Capt. Jewett, who was a member, testified as above.

The following also occurs in the examination of this witness:

"Question by accused. Do you know the relations and feelings of Lieutenants Hartz and Merritt towards the accused? If so, state what they are and your means of knowing the same.

"Answer. I do. I know they are very bitter towards the accused. I have acquired this information from their actions and conversation in his presence and during his absence at different times." But on the next page occurs the following:

"Question by the court. Had you ever heard both Lieutenants Hartz and Merritt express unfriendly feelings towards Captain Eckles prior to the 27th February, 1877?

"Answer. I think not; I am not positive about that."

The accused then desiring the testimony of Capt. Bennett, an absent witness, and stating the facts which he expected to prove by him, it was thereupon admitted by the judge-advocate "that accused would prove these facts by Capt. Bennett." The facts are set forth in the record as follows:

"That he, Captain Bennett, was president of the post council of administration at Fort Wingate, N. M.; of which council the accused was a member. That said council was convened for the purpose of considering the removal of Mr. Henry Reed, the present post trader, and the appointing of a successor. That the strongest effort was being made by the post commander, and a portion of the members of the council, to remove Mr. Reed and appoint Mr. J. L. Johnson his successor.

"That he, the accused, opposed Mr. Johnson's appointment by every means in his power; that he dictated every word of the proceedings of the council, and that by his vote and influence in the council he defeated the appointment of Mr. Johnson to the position of post trader and renominated Mr. Reed and reappointed Mr. Henry Reed, the present trader.

"That the action of the council was disapproved by the post commander. That a minority report was submitted by a member of the council in favor of Mr. Johnson, who strongly advocated the latter's appointment.

"That the council was reconvened by the commanding officer for the purpose of reconsidering its action.

"That the accused dictated every word of the proceedings at the reconvening of the council, and that by the accused's vote and influence in the council he caused it to adhere to its original proceedings and recommendations. That on more than one occasion in the last year he, the accused, could by his vote and influence have made Mr. J. L. Johnson post trader, and that on all and every occasion he has strongly ad-

vocated Mr. Reed against Mr. Johnson whenever the subject of post trader was discussed."

A similar agreement and admission was made in regard to the testimony of "General E. W. Rice, of Washington, D. C.," by whom accused stated that he could prove:

"That he, Rice, was present at Fort Wingate, N. M., during the month of January, 1877, when the council was convened for the purpose of considering the removal of Mr. Reed, the present trader, and the appointment of his successor; that the accused was a member of said council; that a note or check for two thousand dollars had been sent or given the accused by an applicant for the position of post trader, for and in consideration of the appointment of trader; that the accused showed said note to General E. W. Rice, who read it; that the accused then took said note or check for two thousand dollars and tore it up and threw it in the fire, saying he had no use for it."

The defence here closed.

By way of rebuttal the judge-advocate called James L. Johnson, whose testimony was to the effect that for some time previous to the meeting of the council of Feb. 28th accused had, according to his (Johnson's) understanding, been working in his interest to secure him the position of post trader; that they had had correspondence together on the subject, the last letter of accused to Johnson being dated in December, 1876.

(The examination of this witness is incomplete and unsatisfactory. Neither side seemed to wish to press him.)

The court found the accused guilty of both charges and specifications [excepting only from the latter the word "lengthy"], and sentenced him as above mentioned.

The members make no recommendation.

The department commander, in approving the proceedings, findings, and sentence, and forwarding the record for the action of the President, adds: "It is believed, however, that in connection with the statements contained in the specification, showing the commission of the specific offence in each of them, of an attempt to bribe, that a corrupt intent should have been alleged."

I may here remark that in this observation I do not concur. The case is not one of an indictment or charge for an attempt to bribe. The offence was the using of language to another officer, of which the import was unmistakable, and which was *per se* unbecoming an officer and a gentleman; it was moreover language which, being used by a senior and commanding officer toward a junior and subordinate, was necessarily prejudicial to discipline. I therefore regard the specifications as complete and sufficient at military law.

CONCLUSION.

The testimony in this case, as a whole, leaves a most unfavorable impression as to the conduct of the accused. Taking the statements of Hartz and Merritt to be true, it would appear that the accused, who at an earlier period would seem to have claimed that an attempt had been unsuccessfully made to bribe him, consented later to become a party to a corrupt arrangement looking to the election of a post trader through the buying of the votes of two members of the post council; he himself in effect proposing to these members that they should sell their votes, while at the same time assuring them that he also was to share in the price paid. The proposal, which, seriously made by any officer to another under the circumstances would have been highly disreputable, was especially so as coming from a senior who at that time occupied the position of post commander, and who as such had himself convened the council and detailed the members. And it may be regarded as significant that accused, in selecting these members, had taken one officer well known to be in favor of Johnson's appointment, thus making it necessary to obtain the vote of only one of the two other members to secure his election.

It is indeed true that Stafford's testimony would seem at first to relieve the accused, in a measure at least, of the imputation of an intent to corruptly influence one of the other members, for Stafford states that he informed the accused that one of them had represented to him (Stafford) that he favored the choice of Johnson. But it is to be inferred from the whole evidence that the conversation with Stafford occurred on the 28th, or *subsequent to* that had with the other lieutenants, which took place mainly on the 27th, and that the offence charged had thus been fully committed when the information indicated was received.

That the alleged action of accused toward Hartz and Merritt may have been quite unnecessary to effect the object designed, and that it may in fact have only defeated its purpose, may be quite true, but this circumstance does not affect the question of the criminality of accused, if the testimony of the prosecution is believed.

As to what was said by accused to Lient. Stafford (as testified by the latter), this has, to my mind, under all the circumstances, very much the effect of having been thrown out for the purpose of conveying an impression, in the event of a subsequent investigation, that, in approaching Lieuts. Hartz and Merritt, accused had simply intended to put them on their guard as to any attempt that might be made to influence

their votes. But there is certainly nothing in his statements to them, as given in the record, that can be deemed to favor the inference that this was his intention; on the contrary, a more direct invitation to a corrupt combination could hardly have been expressed.

It is true, it may be added, that one of these officers would be directly benefited by the dismissal of accused, but this fact alone is not regarded as sufficient to detract from the substantial truth of his statements; moreover, this witness was not the principal one; it was his junior—a second lieutenant, who had been scarcely three and a half years in the service—who was chiefly approached and sought to be influenced, and there is nothing in the record going to show that this witness, or indeed either of the witnesses, had any hostile feeling toward the accused except such as might naturally have grown out of the attempt to corrupt them, as described.

Thus, not to remark upon the lesser features of the case, or to enter into the question of the sincerity of the accused in publicly opposing Johnson prior to the meeting of the last council, I can but be of the opinion that the testimony of the two principal prosecuting witnesses in the case was not explained nor materially shaken by their cross-examination or by the evidence on the part of the defense. And upon this testimony I can but conclude that the accused was justly convicted of "conduct unbecoming an officer and a gentleman"—an offense upon a conviction of which the sentence of dismissal is made mandatory by the Articles of War.

W. M. DUNN,
Judge-Advocate General.

The record of the proceedings of the court-martial were then transmitted by the Secretary of War to the President of the United States, and, after having been examined by the President, he submitted the following orders thereon:

EXECUTIVE MANSION, August 9, 1877.

The foregoing proceedings, findings, and sentence of the general court-martial in the case of Captain *John W. Eckles*, of the 15th Regiment U. S. Infantry, are approved, and the sentence will be duly executed.

R. B. HAYES,
President of the United States.

The final proceeding in the case is as follows:

By direction of the Secretary of War, the sentence in the case of Captain *John W. Eckles*, 15th Infantry, will take effect August 23, 1877, from which date he will cease to be an officer of the Army.

By command of General Sherman:

E. D. TOWNSEND,
Adjutant-General.

Your committee, having carefully read the testimony of the witnesses, both on the part of the prosecution and on the part of the defense, as sworn to before the court-martial by whom Captain Eckles was tried, are clearly of opinion—

- 1st. That the trial was in every respect fair and impartial;
- 2d. That the finding of the court was justified by the evidence; and
- 3d. That Captain Eckles fully merited the punishment which was inflicted upon him.

The offense with which Captain Eckles was charged, and of which he was duly convicted, is a very grave one, and he must take the consequences caused by his own misconduct and unsoldierly behavior. The offense is the more unpardonable and inexcusable when we consider the fact that he had been in the Army since 1861, and ought, therefore, from his experience and position as an officer of the United States Army, have shrunk from taking the role of a briber. It seems also from the papers in the case that Captain Eckles was in 1873 court-martialed and found guilty of assaulting and striking Capt. Charles Steelhammer with a cowhide, for which he was sentenced to be suspended from rank and command and confined to the limits of the post where he was stationed for the period of one year. He was also severely reprimanded by General Pope for his conduct. Part of this sentence, however, was afterwards remitted, and he was released.

Col. George P. Buell, in whose regiment Captain Eckles served, and who ought to know him well, writes to the Adjutant-General protesting against his reinstatement in the Army as follows:

HEADQUARTERS FIFTEENTH INFANTRY,
Fort Wingate, N. Mex., March 9, 1880.

SIR: My attention has been called to Senate bill No. 1378. As this bill affects the good of the regiment of which I am colonel, I feel it my duty to ask that it may not become a law. The records of this office show that Captain Eckles, late Fifteenth

United States Infantry, was dismissed for attempting to bribe the post council of administration of this post while he was in the capacity of post commander. This shows plainly that he is unfit to command young men of honor. When young men come into the Army, either from civil life or from West Point, they expect, above all things, to find their captains men of high tone and honor.

Should Captain Eckles be reinstated, no young officer could so regard him, knowing the records as they stand. He can not plead, youth, inexperience, or injustice. His act was a deliberate attempt to do wrong, and he should have suffered the consequences which he did.

I am proud of my regiment, and particularly of all the fine young material of which it is now composed. A soldier should value his honor above his life. The tone of the Army can not be kept up if such men are to be restored. I make this appeal in behalf of my regiment, earnestly hoping the bill may not pass.

I respectfully ask that a copy of this letter, with General Court-Martial Orders No. 59, Series of 1877, from your office, may be furnished the Military Committee of the Senate. I also request that Mr. J. W. Eckles may be furnished a copy of this letter.

Very respectfully, your obedient servant,

GEORGE P. BUELL,

Colonel Fifteenth Infantry, Commanding.

ADJUTANT-GENERAL, UNITED STATES ARMY,

Washington, D. C.

Your committee, after mature and deliberate consideration, are of opinion that it would be unwise and detrimental to the best interests of the service to reinstate Captain Eckles either to his former rank or to any other position in the Army, as it would not only tend to loose morals, but it would be establishing an exceedingly bad precedent, from the fact that it would appear that Congress was willing to condone such a serious offense of which Captain Eckles was convicted and dismissed from the United States Army.

The committee, therefore, report the bill back adversely, and recommend its indefinite postponement.